

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

DANIEL B. GRAVES,  Plaintiff,  v.  DEUTSCHE BANK SECURITIES, INC.,  Defendant.	<b>CIVIL ACTION NO.</b> <b>1:07-cv-05471-BSJ-KNF</b> <b>(Electronically Filed)</b>
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**DECLARATION OF RICHARD T. SEYMOUR IN SUPPORT  
OF PLAINTIFF'S CONSENTED MOTION FOR ONE-DAY  
EXTENSION OF TIME TO FILE PLAINTIFF'S  
OPPOSITION TO DEFENDANT'S MOTION TO COMPEL  
PRODUCTION OF DOCUMENTS CLAWED-BACK BY  
PLAINTIFF PURSUANT TO RULE 26(B)(5)(B)**

I make the following declaration subject to the penalties for perjury:

1. I am lead counsel for plaintiff in this action.
2. On January 27, 2011, defendant filed its Motion to Compel Production of Documents Clawed-Back by Plaintiff Pursuant to Rule 26(b)(5)(B) (Doc. # 82).
3. Under the ordinary operation of the Rules, plaintiff's deadline to respond to this discovery motion is February 7, 2011.
4. Plaintiff would have been able to file his Opposition by the deadline, except that my wife broke her foot at mid-day on February 7, and I had to leave work and assist her to a radiology center where her foot could be x-rayed, then assist with finding an orthopedic surgeon, assist her home, and care for her. She has an appointment with an orthopedic surgeon Tuesday morning, February 8.

5. The Opposition could not be completed on February 7 without neglecting my wife's need for medical attention and for my assistance, but can be completed on February 8.

/s/ Richard T. Seymour  
RICHARD T. SEYMOUR

Dated: February 7, 2011

**Certificate of Service**

I certify that I have, this 7th day of February, 2011, served a true and correct copy of the foregoing Declaration in Support of Plaintiff's Notice of Consented Motion and Consented Motion for One-Day Extension of Time to File Plaintiff's Opposition to Defendant's Motion to Compel Production of Documents Clawed-Back by Plaintiff Pursuant to Rule 26(b)(5)(B), on counsel of record for defendant, as shown below, by service through the Court's ECF system:

Cliff Fonstein, Esq.  
Joanne Seltzer, Esq.  
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/s/ Richard T. Seymour  
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